

INSTRUCTIONS FOR FILING A COMPLAINT BY A PRISONER
UNDER THE CIVIL RIGHTS ACT, 42 U.S.C. 1983

This packet includes three copies of a complaint form, two copies of an in forma pauperis motion, two sets of U.S. Marshal "Process Receipt and Return" forms (U.S.M. 285) and notice of lawsuit and request for waiver of service of summons forms. To start an action you must file an original and one copy of your complaint for each defendant you name. For example, if you name two defendants, you must file the original complaint and two identical copies of the complaint. You should keep an additional copy of the complaint for your records. All copies of the complaint must be identical to the original.

Your complaint must be legibly handwritten or typed. You, the plaintiff, must sign and declare under penalty of perjury that the facts are correct. If you need additional space to answer a question, you may use the reverse side of the form or preferably, an additional blank page.

You must fill out the names of the defendants, their titles (if appropriate), their corporate affiliation (if appropriate), and the case name on the waiver forms.

Your complaint can be brought in the United States District Court for the Western District of Pennsylvania only if one or more of the named defendants is located within this District or if the incident occurred in this District. Further, you must file a separate complaint for each separate incident of which you complain.

You are required to fill out a "Process Receipt and Return" form (USM 285) for each defendant you name. (No carbon paper is necessary.) On this form you are asked to provide specific information regarding the full name and complete home or office address of each individual defendant. Note that there are five copies to each form. DO NOT DETACH ANY OF THE COPIES. Copies 2 and 5 will be returned to you at a later date (see paragraph 4 of the instructions on the back of copy 5 of the marshal form.) You are advised that Rule 4 (m) of the Federal Rules of Civil Procedure requires that service be made upon each defendant within 120 days after the filing of the complaint. If service is not made within 120 days of filing, dismissal is required unless you can show good cause why service was not made within that time. It is your responsibility to submit to the Clerk of Court along with the complaint, completed "Process Receipt and Return" forms with the proper address for service on each defendant. FAILURE TO SUPPLY SPECIFIC INFORMATION on these forms may result in the United States Marshal's inability to complete service of your complaint and if service is not made within 120 days the case may be dismissed.

In order for this complaint to be filed, it must be accompanied by the filing fee of \$150.00. In addition, the U.S. Marshal will require you to pay the cost of serving the complaint on each of the defendants before service is made.

If you are unable to pay the initial filing fee and service costs for this action, you may petition the court to proceed in forma pauperis. Two blank petitions for this purpose are enclosed in this packet. One should be filed with your complaint; the other copy is for your records.

You will note that you are required to give facts. THIS COMPLAINT SHOULD NOT CONTAIN LEGAL ARGUMENTS OR CITATIONS.

When these forms are completed, mail the original and the copies to the Clerk of the United States District Court for the Western District of Pennsylvania.

Pittsburgh Clerk's Office
P.O. Box 1805
Pittsburgh PA 15230

Erie Clerk's Office
P. O. Box 1820
Erie PA 16507

Johnstown Clerk's Office
Room 208, Penn Traffic Building
319 Washington Street
Johnstown PA 15901

PLAINTIFF EX.

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